

Docket No.: 086039-0016

USSN 10/590,407

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Customer Number: 20277
Takayuki SOUTA, et al.	:	Confirmation Number: 7014
Application No.: 10/590,407	:	Group Art Unit: 4123
Filed: August 23, 2006	:	Examiner: Marjan FARDANESHI
For: METHOD OF MEASURING SUPERFICIAL CHEMICAL SPECIES AND APPARATUS FOR MEASURING THE SAME	:	

REQUEST FOR REFUND

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully requests consideration of this request for a refund in connection with the above-referenced matter. Specifically, Applicant requests a refund in connection with a recent filing on February 9, 2011.

When responding to the Non-Final Office Action mailed October 20, 2010, the extension of time fee pertaining to a large entity was inadvertently paid; in actuality, the assignee is a university in Japan and thus is entitled to the small entity rate¹. See the Patent Assignment Abstract of Title at Reel/Frame 018226/0326.

¹ See 37 C.F.R. § 1.27 (a)(3)(i)(ii)(A): "A university [* * *] located in any country."

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Further, in the "Transmittal of New Application" as filed on August 23, 2006 (*see* PAIR), the small entity discount was taken and small entity fees were paid.

The fee electronically paid from Deposit Account 500417 associated with Customer No. 20277 (McDermott Will & Emery LLP) at the large entity rate on February 9, 2011 was \$130 for a one-month extension of time.

A copy of the Electronic Acknowledgment Receipt (EAR) received on that date is appended to this request as proof of the payment inadvertently made at the large entity rate.

Since the small entity discount of 50% is applicable, Applicant respectfully requests a refund of \$65 to Deposit Account 500417 associated with Customer No. 20277 (McDermott Will & Emery LLP), thus making the one-month extension of time fee which was paid, \$65.

If further information is needed to process this refund request, the Refund Branch is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,
McDERMOTT WILL & EMERY LLP

/Louis DelJuidice - 47,522/

Louis J. DelJuidice
Registration No. 47,522

Attention: Patent Docketing Dept.
600 13th Street, N.W.
Washington, DC 20005-3096
Phone: (212) 547-5400 LJD:MWE
Facsimile: (202) 756.8087
Date: February 11, 2011

**Please recognize our Customer No.
20277 as our correspondence address.**

Attachment: EAR with EFS ID: 9422133 (\$130)

Electronic Acknowledgement Receipt

EFS ID:	9422133
Application Number:	10590407
International Application Number:	
Confirmation Number:	7014
Title of Invention:	Method of measuring superficial chemical species and apparatus for measuring the same 02/17/2011 EHAILU 00000010 500417 01 FC:2251 65.00 DA
First Named Inventor/Applicant Name:	Takayuki Souta
Customer Number:	20277
Filer:	Louis J. DeJuldice/K Hilgart
Filer Authorized By:	Louis J. DeJuldice
Attorney Docket Number:	086039-0016
Receipt Date:	10-FEB-2011
Filing Date:	23-AUG-2006
Time Stamp:	18:09:00
Application Type:	U.S. National Stage under 35 USC 371

10590407

Payment Information:

Submitted with Payment	yes
Payment Type	Deposit Account
Payment was successfully received in RAM	\$130
RAM confirmation Number	6614
Deposit Account	500417
Authorized User	
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.17 (Patent application and reexamination processing fees)	

Adjustment date: 02/17/2011 EHAILU
02/11/2011 INTEFSW 00006614 500417
01 FC:1251 130.00 CR

10590407

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1		086039_0016_rsp_to_NONFNL.pdf	2978426 539e3432802395e485d0c7c0c75e9f98d313 9a8	yes	12

Multipart Description/PDF files in .zip description

Document Description	Start	End
Amendment/Req. Reconsideration-After Non-Final Reject	1	1
Specification	2	2
Abstract	3	3
Claims	4	6
Applicant Arguments/Remarks Made in an Amendment	7	11
Extension of Time	12	12

Warnings:

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Information:

2	Specification	086039_0016_MARKED.pdf	1998962 e745cdd67d395c0d35e6843c7b6896133e6 b1d3	no	16
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Information:

3	Specification	086039_0016_CLEAN.pdf	1609494 e443ce7377b05a078b28a3b952e438942787 32x0	no	14
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Warnings:

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Information:

4	Fee Worksheet (PTO-875)	fee-info.pdf	30101 8abce67b1770e39ee23273aef9b185e7561a65 9700	no	2
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Warnings:**Information:****Total Files Size (in bytes):****6616983**

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

**McDermott
Will & Emery**

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.

Strategic alliance with MWE China Law Offices (Shanghai)

FACSIMILE**Date:** FEBRUARY 11, 2011

To:	Organization:	Facsimile No:
Refund Branch:	U.S. Patent Office	1 (571) 273-6500
Mail Stop 16		

From:	Louis J. DelJuidice	Direct Phone:	+1 212 547 5819
E-Mail:	ldeljuidice@mwe.com	Direct Fax:	+1 212 547 5444
		Original to Follow?	NO.

Number of Pages, Including Cover:**7**

RE: USSN 10/590,407

USSN 10/590,407 – REQUEST FOR REFUND

Please see attached from L. DelJuidice, Reg. No. 47,522.

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